

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

IN RE KRAFT HEINZ  
SECURITIES LITIGATION

Case No. 1:19-cv-01339

Honorable Robert M. Dow Jr.

**SIXTH JOINT STATUS REPORT**

Lead Plaintiffs Sjunde AP-Fonden and Union Asset Management Holding AG, additional named Plaintiff Booker Enterprises Pty Ltd. (collectively, “Plaintiffs”), and The Kraft Heinz Company (“Kraft Heinz Defendants” or the “Company”), Bernardo Hees, Paulo Basilio, David Knopf, Alexandre Behring, George Zoghbi, and Rafael Oliveira (together, the “Kraft Heinz Defendants”), and 3G Capital Partners and its affiliates<sup>1</sup> (“Defendant 3G”), (collectively, “Defendants,” and Plaintiffs and Defendants taken together, the “Parties”), by and through their respective counsel, have met and conferred and submit the following supplemental joint status report pursuant to the Court’s Order (ECF No. 365):

**I. STATUS OF DISCOVERY:**

The parties completed class certification discovery on July 8, 2022.<sup>2</sup> The deadline for substantial completion of all document discovery is December 12, 2022. The fact discovery deadline is June 19, 2023. The expert discovery deadline is October 20, 2023.

**A. Plaintiffs’ Discovery Efforts**

The Kraft Heinz Defendants have informed Plaintiffs that they have substantially completed their production of documents collected during an internal investigation conducted by KHC’s independent directors. The Kraft Heinz Defendants are in the process of conducting their second-level review of certain documents collected during that internal investigation and preparing a log of any documents redacted or withheld on the basis of attorney-client privilege or work product protection. Plaintiffs continue to object to the Kraft Heinz Defendants’ decision to

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<sup>1</sup> Inclusive of the following affiliated funds and business entities: 3G Capital, Inc. (a Delaware corporation); the Cayman Islands business entities 3G Global Food Holdings, L.P.; 3G Global Food Holdings GP LP; 3G Capital Partners LP; 3G Capital Partners II LP; and 3G Capital Partners Ltd.

<sup>2</sup> As described below in Section I.B, the Kraft Heinz Defendants have filed a motion to compel Lead Plaintiff Union for discovery regarding non-party funds associated with Union and to allow the Kraft Heinz Defendants to supplement the class certification record following the production of any such discovery. As noted below, Plaintiffs oppose this motion and Defendants’ efforts to re-open the class certification record.

withhold or redact any documents with respect to that production, including on the basis of responsiveness.

Plaintiffs and the Kraft Heinz Defendants have continued to meet and confer regarding certain aspects of Defendants' response to the Second Requests, served by Plaintiffs in November 2021, including search protocols for: (1) custodial sources other than emails and chats; (2) non-custodial sources; and (3) sources of ESI in the Individual Defendants' custody, possession, or control. On July 29, 2022, the Kraft Heinz Defendants began making rolling productions in response to Plaintiffs' Second Requests. Since then, the Kraft Heinz Defendants have made eight productions totaling 686,213 documents and 4,782,357 pages in response to Plaintiffs' Second Requests, and continue to make rolling productions approximately every two weeks.<sup>3</sup>

Plaintiffs' position is that the metrics presented by Defendants lack critical context, and accordingly asked the Kraft Heinz Defendants to provide Plaintiffs and the Court with assurance that the Kraft Heinz Defendants are on track to substantially complete production by December 12, 2022. ECF No. 385. In response, the Kraft Heinz Defendants state as follows: The Kraft Heinz Defendants disagree with Plaintiffs' assertions, and state that while the parties are continuing to negotiate a number of issues around the collection and review of the Kraft Heinz Defendants' documents, the Kraft Heinz Defendants' current expectation, which is subject to change depending on, among other things, the outcome of the parties' negotiations, is that the Kraft Heinz Defendants will substantially complete production by the current deadline. It is Plaintiffs' position that the substantial completion deadline already has been extended by four months with full view of the parties' negotiations around the collection and review of the Kraft Heinz Defendants' documents.

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<sup>3</sup> These totals exclude productions of the internal investigation documents described above, as well as reproductions of documents already produced to shareholders who have filed demands for books and records under Section 220 of the Delaware General Corporation Law and documents produced to the SEC during its investigation.

The 3G Defendants began making rolling productions in response to Plaintiffs' Second Requests on July 8, 2022, and that effort is ongoing.

The Parties have agreed to expand the deposition limit set forth in Federal Rule of Civil Procedure 30(a)(2)(A)(i). Pursuant to that agreement, each side may take 240 hours of merits deposition testimony, with the number of merits depositions capped at 40 depositions. The Parties have reserved their rights to seek additional hours, to expand the cap, or to otherwise seek relief from the requirements of Fed. R. Civ. P. 30. The Parties agree to continue to comply with Rule 30. This agreement does not apply to expert depositions.

**B. Defendants' Discovery Efforts**

On July 18, 2022, the Kraft Heinz Defendants filed a motion to compel Lead Plaintiff Union for discovery regarding non-party funds associated with Union and to allow the Kraft Heinz Defendants to supplement the class certification record following the production of any such discovery. (ECF No. 367.) Lead Plaintiff Union filed an opposition to the motion to compel on August 24, 2022. (ECF No. 389.) The Kraft Heinz Defendants filed a reply on September 14, 2022. (ECF No. 396.)

**C. Class Certification**

Plaintiffs' reply brief in support of their motion for class certification was filed on July 19, 2022, concluding all deadlines for discovery and briefing related to class certification as scheduled by the Court for Plaintiffs' class certification motion.

Dated: September 30, 2022

/s/ Sharan Nirmul

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Respectfully submitted,

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